ORDINANCE NO. 2003 - 045

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED CORRECTIVE AMENDMENTS: **2003-0007 LGA (SOLID WASTE AUTHORITY/PIKE ROAD)**, MODIFYING PAGE 63 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 73.84 ACRES, GENERALLY LOCATED ON THE WEST SIDE OF PIKE ROAD APPROXIMATELY 1,200 FEET NORTH OF SOUTHERN BOULEVARD, FROM TRANSPORTATION AND UTILITIES FACILITIES (U/T) TO INDUSTRIAL (IND); **2003-0014 LGA (OCEAN INLET PARK)**, MODIFYING PAGE 87A OF THE FLUA BY ASSIGNING THE FUTURE LAND USE DESIGNATION OF PARKS AND RECREATION (PARK) FOR APPROXIMATELY 3.83 ACRES, GENERALLY LOCATED EAST AND WEST OF STATE ROAD A1A (OCEAN BOULEVARD), APPROXIMATELY ONE MILE NORTH OF BOYNTON BEACH BOULEVARD, BETWEEN MANALAPAN AND OCEAN RIDGE; **2003-0015 LGA (ACREAGE PINES NATURAL AREA AND COMMUNITY PARK)**, MODIFYING PAGE 41 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR 169.75 ACRES, GENERALLY LOCATED WEST OF 140$^{TH}$ AVENUE NORTH, BETWEEN ORANGE BOULEVARD AND THE M CANAL, FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO CONSERVATION (CON) FOR 115.6 ACRES AND TO PARKS AND RECREATION (PARK) FOR 54.15 ACRES; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 14 & 28 and March 14, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 2, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received on June 23, 2003 the

Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 20, 2003 which was the Department's written review of the proposed Comprehensive Plan amendments; and

**WHEREAS**, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance; and

**WHEREAS**, on August 21, 2003 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan**

The following amendments to the Land Use Element's Future Land Use Atlas are hereby adopted and attached to this Ordinance:

**A. Future Land Use Atlas page 63** is amended as follows:

| | |
|---|---|
| **Application No.:** | **2003-0007 LGA (Solid Waste Authority/Pike Road)** |
| **Amendment:** | From Transportation and Utilities Facilities (U/T) to Industrial (IND); |
| **General Location:** | Approximately 1,200 feet north of Southern Boulevard on the west side of Pike Road; |
| **Size:** | Approximately 73.84 acres; |

**B. Future Land Use Atlas page 87A** is amended as follows:

| | |
|---|---|
| **Application No.:** | **2003-0014 LGA (Ocean Inlet Park)** |
| **Amendment:** | To designate as Parks and Recreation (PARK); |
| **General Location:** | East and west of State Road A1A (Ocean Boulevard) approximately one mile north of |

Boynton Beach Boulevard, between Manalapan and Ocean Ridge;

**Size:** Approximately 3.83 acres;

**C. Future Land Use Atlas page 41** is amended as follows:

**Application No.:** **2003-0015 LGA (Acreage Pines Natural Area and Community Park),**

**Amendment:** From Rural Residential, 1 unit per 10 acres (RR-10) to Conservation (CON) for 115.6 acres and to Parks and Recreation (PARK) for 54.15 acres;

**General Location:** West of 140th Avenue North, between Orange Boulevard and The M Canal;

**Size:** Approximately 169.75 acres;

**Part II. Repeal of Laws in Conflict**

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

**Part III. Severability**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Part IV. Inclusion in the 1989 Comprehensive Plan**

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has

become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 21 day of August, 2003.

ATTEST:
DOROTHY H. WILKEN, Clerk

By: _____
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Karen T. Marcus, Chair

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

Filed with the Department of State on the 28 day of August, 2003.

T:\Planning\AMEND\03-1\admin\bccadopt\Ordinances\Solid Waste-Ocean In-Acreage Pines.doc

# EXHIBIT 1

**A.** Future Land Use Atlas page 63 is amended as follows:

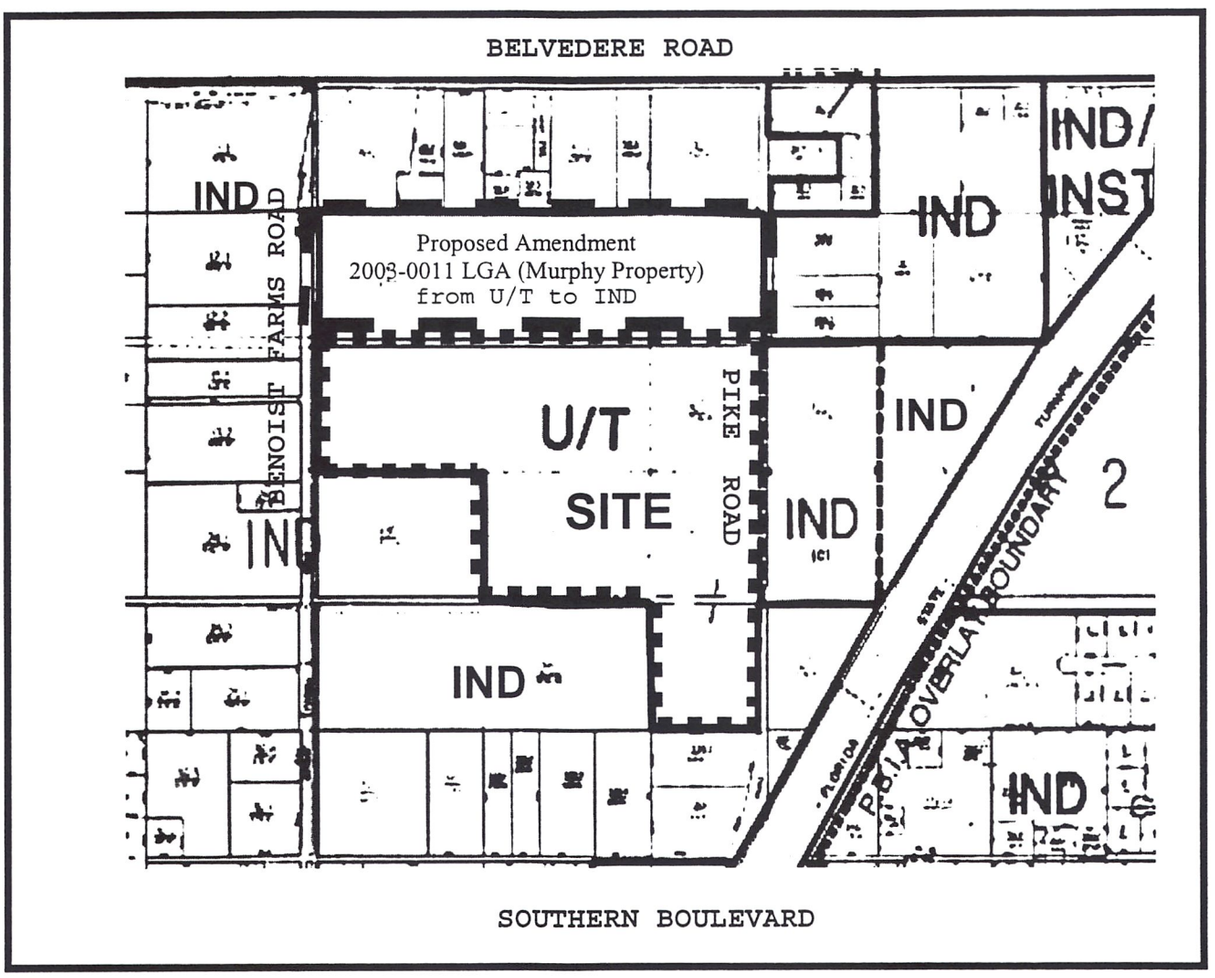
**Amendment:** **2003-0007 LGA (Solid Waste Authority/ Pike Road)**

**Amendment:** From Transportation and Utilities Facilities (U/T) to Industrial (IND)

**Location:** West side of Pike Road, approximately 1,200 feet north of Southern Boulevard.

**Size:** Approximately 73.84 acres

**Property No.:** 00-42-43-27-05-006-1600 & 00-42-43-27-05-006-2001



**B.** Future Land Use Atlas page 87A is amended as follows:

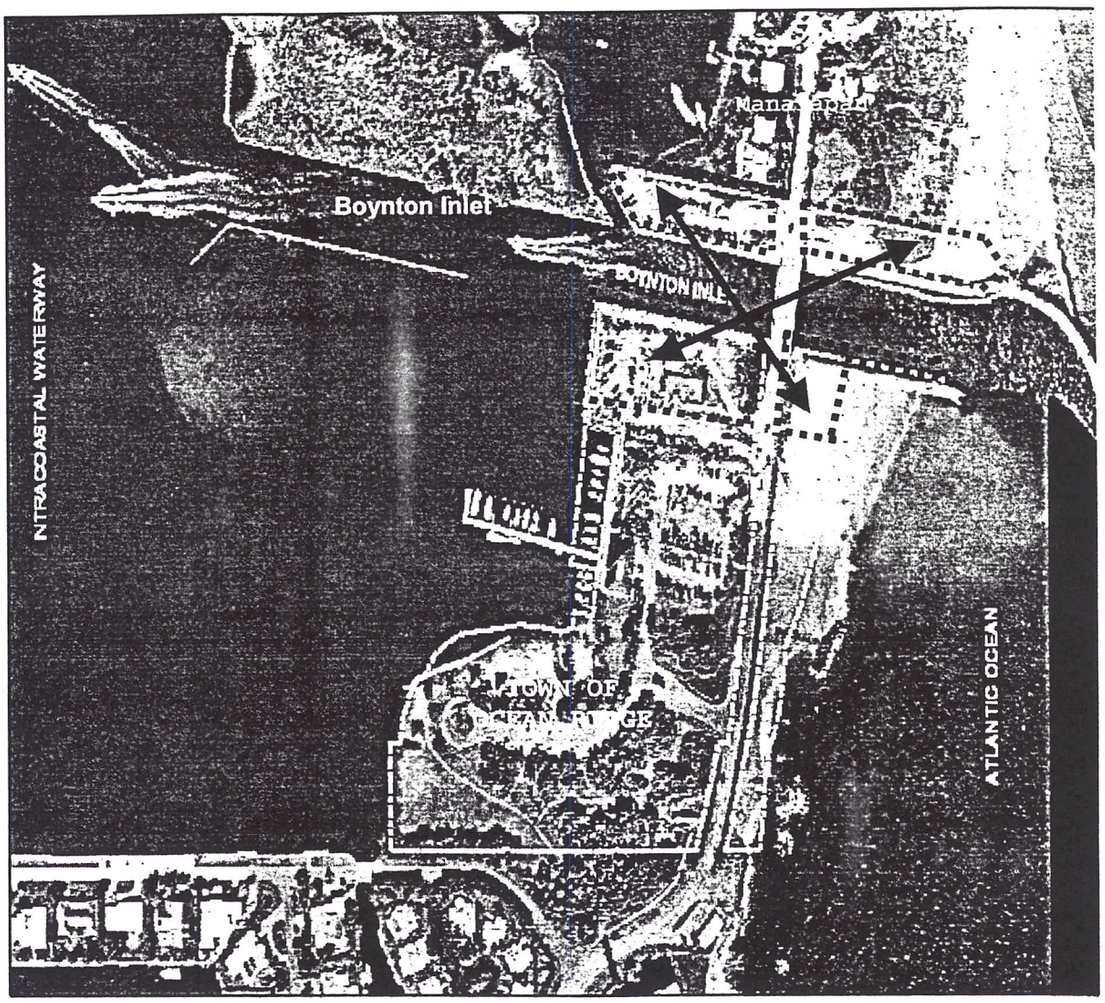
**Amendment No.:** **Ocean Inlet Park (2003-0014 LGA)**

**Amendment:** Designate Parks and Recreation (PARK)

**Location:** East and west of SR A1A (Ocean Boulevard), approximately one mile north of Boynton Beach Boulevard, between Manalapan and Ocean Ridge

**Size:** Approximately 3.83 acres

**Property No.:** 00-43-45-15-00-004-0010



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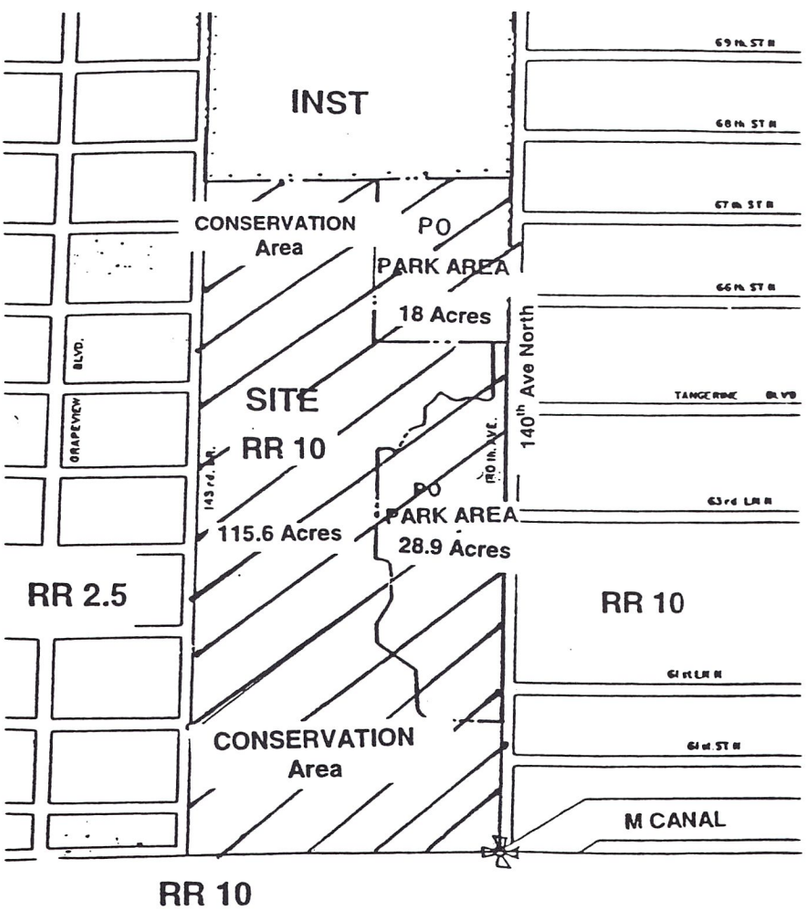
**Amendment:** From Rural Residential, 1 unit per 10 acres (RR-10) to Conservation (CON) for 115.6 acres and Parks and Recreation (PARK) for 54.15 acres

**Location:** West of 140th Avenue North, between Orange Boulevard and The M Canal.

**Size:** Approximately 169.75 acres total

**Property No.:** 00-41-42-32-00-000-1030




STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on August 21, 2003.
DATED at West Palm Beach, FL on 9/19/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.